
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

CARL A. BOGGS, III and LEAH
BOGGS,

Plaintiffs,

vs.

BLUE CROSS AND BLUE SHIELD
OF NORTH CAROLINA, and BLUE
OPTIONS PPO,

Defendants.

Case No. 2:20-cv-00632-DBB-CMR

**DECLARATION OF ADONNA M.
MCFALL**

I, Adonna McFall, hereby declare and state as follows:

1. I am over the age of twenty one, and am fully competent to testify about the facts set forth in this declaration, each of which is based upon my personal knowledge and experience or a review of the business records of Blue Cross and Blue Shield of North Carolina (“Blue Cross NC”)
2. I am currently employed by Blue Cross NC as the Director of Appeals and Grievances. I have held this position since 2018.
3. Through my duties as Director of Appeals and Grievances, I am familiar with how Blue Cross NC handles member appeals of adverse benefits decisions. I am also familiar, through a review of Blue Cross NC’s business records, of appeals submitted to Blue Cross NC by Carl A.

Boggs, III on behalf of his daughter Leah Boggs, a beneficiary of an employee health benefit plan for Boggs Paving (“Boggs Plan”).

4. On or about December 17, 2018, Blue Cross NC received at its mailing address in Durham, North Carolina, a first-level member appeal submitted by Carl Boggs on behalf of his daughter Leah, requesting that Blue Cross NC review its denial of benefits for treatment that Leah received at the facility and on the dates described in the Complaint in this matter.

5. As stated in the Benefit Booklet for the Boggs Plan, Blue Cross NC delegates the administration of benefits for mental health and substance abuse services to Magellan Behavioral Health (“Magellan”). The Benefit Booklet directs members to send their appeals to Magellan in Alpharetta, Georgia.

6. Accordingly, on or about December 20, 2018, a Blue Cross NC resolution coordinator in the Blue Cross NC Appeals and Grievances Department located in Durham, North Carolina sent Carl Boggs a letter explaining that Magellan would handle the appeal and stating that Blue Cross NC forwarded the appeal to Magellan in Georgia.

7. By letter dated March 5, 2019, Magellan informed Carl and Leah Boggs that it upheld Blue Cross NC’s determination that the services received by Leah were not covered under the Boggs Plan.

8. On or about August 26, 2019, Blue Cross NC received at its mailing address in Durham, North Carolina, from Carl Boggs another member appeal request submitted on behalf of Leah.

9. On August 29, 2019, a Blue Cross NC resolution coordinator in the Blue Cross NC Appeals and Grievances Department located in Durham, North Carolina sent Carl Boggs a letter

informing him that Blue Cross NC was forwarding the appeal to the correct area or department for review.

10. The Blue Cross NC Appeals and Grievance Department employees that interacted with the Boggs Plan or took action with regard to the claim at issue in this case are all located in North Carolina.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 19, 2021

Adonna M. McFall *
Adonna M. McFall (Feb 19, 2021 11:22 EST)
Adonna M. McFall

* Original signature page is maintained at the office of Defendant's counsel.